



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2003067

Applicant Name: Matthew Greger

Address of Proposal: 4021 Interlake Avenue North

SUMMARY OF PROPOSED ACTION

Master use permit for future construction of a second story addition to an existing single family residence.

The following approval is required:

- **Variance** - To allow a portion of the principal structure to project into the required front yard (required 15 feet, proposed 13 feet, 9 ½ inches (Seattle Municipal Code Section 23.44.014D3c).

SEPA DETERMINATION:

☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

BACKGROUND DATA

Subject Site and Vicinity

The subject site is a 40.04 foot by 70.83 foot rectangular shaped parcel located on Interlake Avenue North in the Wallingford neighborhood. An eight-foot paved alley abuts to the south of the site. The parcel is approximately 2,836 sq. ft. in size and is improved with a 1,820 sq. ft. single-family residence (910 sq. ft. main floor and 910 sq. ft. unfinished basement including garage) with a garage in the basement. The site has an approximate two to three-foot change in elevation from the alley with the exception of the garage entrance.

The subject site is zoned Single-Family 5000 (SF 5000) and the area is developed with one and two story homes.

Existing Non-conformities

The existing single-family residence is nonconforming with respect to current Land Use Code requirements for required front yards (SMC section 23.44.014D3c, Certain Additions).

Proposal Description

The applicant proposes to construct a second story addition to the existing residence in order to create additional living space. The expansion would include a total of 936 sq. ft. and would project one-foot, two and one half inches (1'2 ½") into the required front yard. This addition would continue over the existing structure which is currently nonconforming to the front yard requirement.

The Applicant is requesting the following variances from development standards:

- Variance - To allow the expansion of a nonconforming structure (Seattle Municipal Code Section 23.44.082.A);
- Variance - To allow a portion of the principal structure to extend into the required front yard (required 15', proposed 13'9 ½", Seattle Municipal Code Section 23.44.014D3c).

Public Comment

Four comment letters in support of the proposal were received during the comment period, which ended on April 16, 2003.

ANALYSIS - VARIANCE

Variances from the provisions or requirements of the Land Use Code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity; and*

The existing lot size of 2,836 sq. ft. is approximately 57% of the minimum requirement of 5000 sq. ft. and is presumed to have been created in the early 1900's as the house was constructed in 1924 after zoning regulations were implemented but prior to minimum lot size requirements. This unusual condition was not created by the owner/applicant of this proposal. The existing front yard setbacks in the immediate vicinity of the proposal vary between 10'6" to 15'6". The Land Use Code requires that the structure be set back 15 feet as provided for in section 23.44.014D3c. The pattern of existing front yard setbacks would have possibly allowed for the front setback to be continued up from the existing location if front yard averaging was an option. The structure across the alley to the south is oriented off of North Lucas Place so the proposed structure would not be able to utilize this option (SMC 23.44.014A1). Strict application of the Land Use Code would deprive the owner of expansion opportunities that may be enjoyed by other properties in this zone and vicinity.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located; and*

The existing residence is nonconforming with respect to the front yard. The proposed second story addition will extend 1' 2 1/2" into the required front yard for a total of approximately 57 sq. ft. The addition will allow additional living area and does not go beyond what is necessary to afford relief. Many of the residences in the immediate vicinity have small front yards and enjoy two story residences. The addition to provide additional living area on this undersized lot would not constitute a grant of special privilege.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located; and*

The new addition will not be out of character with the rest of the neighborhood. The proposal would not create much additional appearance of bulk as a conforming second floor would only be set back an additional 1' 2 1/2" and could be taller than the proposed addition which is approximately 32 feet to the top of the roof at the highest point.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would not allow for the addition to create additional living area in an existing nonconforming structure on a lot that is little approximately 57% of the minimum lot size of 5,000 sq. ft. Also requiring the addition to conform with the 15' front yard requirement would push the structure back 1' 2" and create a structure that would be out of character with the existing two story structures in the neighborhood.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The purpose of the Land Use Code is to protect and promote public health, safety and the general welfare through a set of regulations and procedures for the use of land which conforms to the City's land use policies. Procedures are established to increase citizen awareness of land use activities and their impacts and to coordinate necessary review processes. These provisions are designed to provide adequate light, air, access, and open space.

The spirit and purpose of the Single Family development standards in the Land Use Code provide for preservation of the character of single-family neighborhoods and for housing opportunities. The code contains many provisions aimed at encouraging the reuse and reconstruction of existing single family homes. Information provided on the plans shows that the property to the north of the subject site has a front yard setback of 13' 9", and properties directly across Interlake Avenue North have front yard setbacks of 12' 2", 15' 6" and 10' 6". Allowing the expansion of the existing structure along the present façade line preserves the current character of the streetscape while encouraging reuse of the existing single family structure and would be consistent with the spirit and purpose of the Land Use Code.

DECISION - VARIANCE

- The request for a variance to allow the expansion of a nonconforming structure (Seattle Municipal Code Section 23.44.082.A) is **APPROVED.**
- The request for a variance to allow principal structure in the required front yard (Seattle Municipal Code Section 23.44.014D3c) is **APPROVED.**

CONDITIONS - VARIANCE

None.

Signature: (signature on file) Date: July 14, 2003
Lori Swallow, Land Use Planner
Department of Design, Construction and Land Use
Land Use Division

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